

AO 440 (Rev. 8/01) Summons in a Civil Action

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UNITED STATES DISTRICT COURT  
DISTRICT OF

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MARK F. DURFEE,

Plaintiff,

V.

**SUMMONS IN A CIVIL CASE**

CASE NUMBER:

EQUINOX CAPITAL III, L.P.,  
EQUINOX CAPITAL SBIC, L.P.,  
EQUINOX PARTNERS III, LLC,  
EQUINOX SBIC PARTNERS, LLC,  
EQUINOX CAPITAL, INC.,  
EQUINOX SMU MANAGEMENT, LLC,  
EQUINOX SMU PARTNERS, LLC,  
SMU HOLDINGS, INC.,  
SMU ACQUISITION CORP.,  
EQUINOX EIC MANAGEMENT LLC,  
EQUINOX EIC PARTNERS, LLC,  
EIC ACQUISITION CORP.,  
EIC HOLDING, INC.,  
EIC SMU ACQUISITION CORP.  
and STEVEN C. RODGER,

Defendants.

To:  
EIC SMU Acquisition Corp.  
41 Putnam Avenue  
Greenwich, Connecticut 06830

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY:

Thomas P. Scrivo, Esq.  
McELROY, DEUTSCH, MULVANEY & CARPENTER, LLP  
1300 Mount Kemble Avenue, P.O. Box 2075  
Morristown, NJ 07962

an answer to the complaint which is served on you with this summons, within \_\_\_\_\_ days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in this complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

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\_\_\_\_\_  
CLERK\_\_\_\_\_  
DATE\_\_\_\_\_  
(By) DEPUTY CLERK**RETURN OF SERVICE**Service of the Summons and complaint was made by me<sup>(1)</sup>

DATE

NAME OF SERVER (PRINT)

TITLE

*Check one box below to indicate appropriate method of service*

- ☐ Served personally upon the defendant. Place where served:
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  
Name of person with whom the summons and complaint were left:
- ☐ Return unexecuted:
- ☐ Other (specify):

**STATEMENT OF SERVICE FEES**

TRAVEL

SERVICES

TOTAL

\$0.00

<sup>1</sup> As to whom may serve a summons see Rule 4 of the Federal Rules of Civil Procedure

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**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on \_\_\_\_\_  
Date

\_\_\_\_\_  
*Signature of Server*

\_\_\_\_\_  
*Address of Server*